

AFFIDAVIT OF OWEN HARTY

I, OWEN HARTY, state under oath as follows:

1. I am a disabled person and am paralyzed from the waist. I cannot walk and instead utilize a wheelchair to maneuver. I am competent to testify at trial

2. I am a licensed private investigator, member of the National Rifle Association, and I teach courses in weapons handling and safety. I am a certified firearms instructor. In this capacity, I constantly travel nationwide and visit gun shows throughout the country. I am an advocate on behalf of disabled persons and a tester. I visit places of public accommodation in various states because I like to shop. I am also a tester for purposes of monitoring the level of compliance of such places with the Americans With Disabilities Act (ADA). As a qualified disabled person, I visit public accommodations to assert my civil rights. It is important to me to know that I have the same opportunity as non-disabled persons to visit a facility free of discrimination.

3. I have been to the Philadelphia area four times in recent years. For many years, I lived in the New York City area and traveled extensively throughout the area. I still go to the area, including Philadelphia, in order to attend gun shows and maintain my business and client contacts. I intend to continue to visit Philadelphia repeatedly in the future, and will be going there for a local gun show September 16-18, 2011. While there, I will be continuing to develop my business and client contacts and also intend to shop and sightsee.

4. In August 2010, I shopped in the Burlington Coat Factory in Clifton Heights Pennsylvania, during my last visit to Philadelphia. While I was there, I encountered numerous conditions that discriminated against me on the basis of my disability. Pictures attached as

composite Exhibit B show those conditions. The disabled parking spaces had access aisles that were too narrow. The spaces and aisles also were non-level. The public restroom was non-compliant. One grab bar was missing, the other grab bar was in the wrong place. The toilet paper dispenser was out of reach. The urinal was too high. The mirror was too high and the sink was completely unusable because I could not get my wheelchair underneath. The hand dryer was too high to reach. Moreover, the merchandise aisles were so badly crowded that it made it impossible to maneuver my wheelchair through much of the store.

5. I would like to revisit the Burlington Coat Factory store when I return to Philadelphia in September 18-18, but I am aware that it would be a futile gesture to do so because the store owners show no intention to comply with the ADA. I am presently deterred from re-visiting the store because of the discriminatory conditions there. I am aware that Burlington's policy is that I do not have the right to travel and visit its store in Philadelphia and segregates against me and other disabled patrons. Once the store is made compliant with the ADA, I will visit it. Indeed, I will visit the store this September if the discriminatory conditions are removed.

Pursuant to 28 U.S.C. Section 1746, I declare, certify, verify, and state, under penalty of perjury that the foregoing is true and correct. Executed on April 25, 2011.



OWEN HARTY